

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christopher Viera et al.,

Plaintiffs,

-against-

City of New York,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 7/22/2021

1:19-cv-05773 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains claims under the Fair Labor Standards Act. On January 27, 2020 an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (Order, ECF No. 45.) On July 20, 2021 the parties submitted their joint motion for settlement approval. (Jt. Mot., ECF No. 115.) Having reviewed the proposed settlement, the Court finds that it is fair and reasonable.¹ See *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The settlement is approved.

¹ With respect to attorneys' fees, the Court has considered relevant factors, including "the most critical factor . . . the degree of success obtained," *Fisher v. SD Prot. Inc.*, 948 F.3d 593, 606 (2d Cir. 2020) (quoting *Farrar v. Hobby*, 506 U.S. 103, 114 (1992)) (internal quotation marks omitted), and finds that although the amount of attorneys' fees exceeds the amount recovered by Plaintiffs, the fee award is reasonable. See *id.* at 602 (noting that Second Circuit has "repeatedly rejected the notion that a fee may be reduced merely because the fee would be disproportionate to the financial interest at stake in the litigation."). Notably, Plaintiffs' counsel expended significant effort litigating this case and Plaintiffs will receive 95% of their total possible recovery. (See Jt. Mot. at 8-10.)

Accordingly, this action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement.

SO ORDERED.

DATED: New York, New York
July 22, 2021

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge